MR. A. P. UDAYABHANU: I support the amendment because of the irresponsibility of the heads of departments in furnishing statistics.

PRESIDENT: The question is whether this unfortunate officer who is collecting statistics at Alleppey should be inflicted with Rs. 500 or Rs. 1,000.

MR. A. P. UDAYABHANU: They must be severely dealt with.

The amendment was put to vote and carried.

The question that clauses 8 and 9 as amended stand part of the Bill was put and carried.

The clauses were added to the Bill.

Clauses 10 and 11.

The question that clauses 10 and 11 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and Title stand part of the Bill was put and carried.

The Preamble and Title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: Sir, I beg to move that the Bill be passed.

MR. S. NARAYANA AIYAR: I second it.

The motion was put and carried, and the Bill was passed.

THE TRAVANCORE PUBLIC HEALTH BILL.

MR. N. RAMAKRISHNA PILLAI: Sir, I beg to present the Report of the Select Committee on the Travancore Public Health Bill and move that the Bill as revised by the Committee be taken into consideration.

MR. S. NARAYANA AIYAR: I second it.

The motion was put and carried.

Clause 1.

MR. N. GOPALA PILLAI (*Co-opted member*): Sir, I beg to move "In clause 1, sub-clause (2) add after the word "Travancore" the words "except the City of Trivandrum." The sub-clause as amended will read thus:

"It extends to the whole of Travancore except the City of Trivandrum." My first point is this. The provisions with regard to the administration of the City-Corporation were not considered when this Bill was promulgated either in Madras or here.

PRESIDENT: I want to make one point clear. There may be many arguments in regard to the exclusion of municipalities as such on the ground that they are centres of Self Government and they should be accorded with a sufficient sense of responsibility to deal with those matters themselves. Honourable members will have realised that the power of the Calcutta Corporation had to be taken away because of certain recent unhappy events in that corporation. It is now

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too early to decide whether we should exempt only the town of Trivandrum or whether Nagercoil, Kottayam, Alleppey, Alwaye, Changanacherry and other places may not stand on the same footing as Trivandrum. It is for the honourable members to make out a case that the City of Trivandrum should stand on a special footing than the other municipalities.

MR. N. GOPALA PILLAI: - What I want to place before the House is the same case that the peculiar features of the City Municipal Act were not considered when this Bill was promulgated. The first feature is that all the salutary principles embodied in this Act form part of the City Municipal Act with the exception that in the City Municipal Act the term "dangerous disease" is given to "notified disease" under the Bill. So there is sufficient control which the Corporation can exert even now in health matters.

Then there is another important feature in the City Municipal Act. The rights of the Standing Committee have been ignored in this Bill. In the Madras Bill also, the existence of the Standing Committee was not recognised. According to this Bill, the influence and control exercised by the Standing Committee will be vacated and the necessary consequence will be that there would be entire dislocation on the control of health measures in the City. The Standing Committees are peculiar to the City Municipal Act. There are no Standing Committees either under the District Municipal Act or the Village Panchayat Act. The work done by the Standing Committee will be easily conceded by the honourabe members of this House when they know that when cholera epedemic broke out members of the Standing Committee went on daily inspection to places like C. D. Hospitals and other places beset with contagion. It was under their direct supervision and direction that Health Officer and his staff were working. What the provisions of the Public Health Bill require is to remove the control of the Standing Committees. The Director of Public Health cannot be expected to concentrate his sole attention to Trivandrum alone. He has to supervise the whole State. So the effect of the Bill will be that the Health Officer will be subject to no control.

Again under this Bill 30 per cent. only, of the income of the Corporation need be given to the Health side. A reference to the last year's budget of the Corporation will convince the honourable members, that out of an income of Rs. 5 lakhs, nearly Rs. 2·56 lakhs were spent entirely for health staff. For water, we had to spend Rs. 1,25,000, for drainage, nearly Rs. 20,000. In all, the expenditure on the health side comes to Rs. 3,75,000. That is 75 per cent. of the revenue of the corporation. If the Bill, as framed is passed and the right of the Standing Committee to press for the needs of the Public Health Section is removed, the direct result will be that the City Corporation will be voting only 30 per cent. of its income for the health section as contemplated under this Bill. Again the effect of the Bill as already pointed out is that the Health Officer will be allowed to exercise his own discretion irrespective of the Standing Committee

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PRESIDENT: I may draw the attention of the honourable member to clauses 5 and 7 of the Bill.

MR. N. GOPALA PILLAI: Clause 7 says;—

"A local authority shall, if so required by Our Government, include the post of a Health Officer in its establishment shedule."

PRESIDENT: Clause 5 reads thus:—

"The Director of Public Health may, from time to time as occation requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the Public Health administration in the local area, or for safeguarding the public health therein."

I am fully in sympathy with what has fallen from the honourable member. But I want him to realise that epidemics do not stop with what may be called theoretical boundaries of a City or a municipal area. A cholera epidemic, for instance, may extend to 10 or 15 miles beyond the borders of a particular municipality. There must be some officer to give directions which will be applicable to all these areas alike. There must be some officer who must have jurisdiction over the whole area. Ofcourse there may be an energetic corporation or a municipal council functioning. The Director of Public Health will act only as a general supervising authority giving directions to the corporation or the Council to carry out certain measures. The whole question is whether in the Act there should be included a provision so that the powers that are sought to be exercised should relate to only certain municipalities which may form only 1/50th or 1/100th part of the whole State leaving the remaining area out of consideration. That is a matter which the honourable members have to consider.

MR. N. GOPALA PILLAI: Even under the existing City Municipal Act there are ample provisions by which the Government can control the actions of the corporation. In any emergency Government can direct the Corporation under Sections 43 and 44 certain things and if the Corporation does not do them, then Government can themselves do them and realise the cost from the Corporation funds So there is that provision in emergent circumstances. But in ordinary circumstances, the provisions of the Bill ignore the existence of the Standing Committee.

PRESIDENT: How? I do not follow.

MR. N. GOPALA PILLAI: The Standing Committees are special committees under the City Municipal Act with definite powers. But under the Public Health Bill their existence is ignored.

PRESIDENT: Why? There is section 5.

MR. N. GOPALA PILLAI: Section 5 reads thus:—

"The Director of Public Health may, from time to time as occasion requires, recommended for adoption, by any local authority, such measures as may be necessary for improving the Public Health administration in the local area, or for safeguarding the public health therein:

Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to Our Government whose decision shall be final."

That section does not vest any authority on the Standing Committee or the local authority over the Health Officer.

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PRESIDENT: I take it that the Standing Committee acts as a delegate or an agent of the Corporation and derives its powers from the Corporation. Is it not so?

MR. N. GOPALA PILLAI: It is a part of the Corporation Council. It owes its existence under special provisions in the City Municipal Act.

PRESIDENT: Any how it is a part of the machinery of the corporation. The honourable member must show that the Standing Committee of the Trivandrum Corporation has absolutely nothing to do with the Corporation of Trivandrum. Is it your contention?

MR N. GOPALA PILLAI: No. The Standing Committee is a special body within the Corporation.

PRESIDENT: Is it not open to the Corporation to reverse any decision of the Standing Committee?

MR. N. GOPALA PILLAI; Yes, it is open to the Corporation to do so.

PRESIDENT: So the Standing Committee is an instrument of the Corporation. The Director of Public Health may recommend certain things under clause 5. So the honourable member should make out a case that in the case of an epidemic or anything of that sort the Standing Committee alone must deal with it and nobody else. Is that your contention?

MR. N. GOPALA PILLAI: Under this Bill, Health Officers are given certain powers. No power is given to the Standing Committee or the local authority to control the actions of the Health Officer or to direct them in any particular manner. True, under section 7 the Director of Public Health has some power over the Health Officer and the local authority. My only contention is that a special committee like the Standing Committee of the Trivandrum Corporation should have some power over the activities of their own Health Officer. That is the body, directly conservant with the affairs of the City and it is expected under the City Municipal that it should go and check the actions of the Health Officer. Now that power is sought to be taken away from them. The Health Officer is made despots under this bill, whose power is not questioned by any except the vague control as per the directions which may be issued from time to time by the Director of Public Health.

PRESIDENT: Has the honourable member read the proviso to clause 5.

MR. N. GOPALA PILLAI: The proviso says:—

> "Provided that if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the authority and the Director, the matter shall be referred to Our Government whose decision sball be final."

That is only as between the Director of Public Health and the local authority. I am speaking of the Health Officer who is an officer under the Corporation and who is given direct powers under this Act. Section 5 is the only section in which the Director of Public Health is given any power. Under all other sections powers are concentrated

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in the Health Officer. If the corporation can have no control over the Health Officer, then the interest which the Corporation has for the Health section will dwindle. I may, in this connection, point out that Standing Committees are working only in the Trivandrum Corporation and no power is given under the bill where by the local authority or Standing Committee can control, or direct or supervise any of the actions of its Health machinery. Sir, in the last Cholera epidemic there were several instances of cholera attack outside the city, but within the city, I can say, there were only a very limited number of cases and these were really cases of boatmen from outside removed to the hospital in a moribund state. The Standing Committee which is working with a feeling of self-sacrifice and with great experience behind it is watching the day to day activities of the Health machinery of the Corporation. It is that body which is responsible for the health of the city. In this connection, I may be permitted to recall a question and a reply last year in one of the sessions of the Municipal Corporation. I asked the Health Director whether the administration so far as matters relating to health are concerned, by the Municipality is not as good as what is obtaining in any Health unit under the Public Health. The Director of Health informed the House that it was in no way inferior. The fact that the administration is carried on in such an efficient way that the Director of Public Health should certify that it is not inferior to what is happening in his own health unit is a great tribute to the health section of the Corporation.

Sir, there is one other factor which I would place before the Honourable House. Though this Bill requires only 30 per cent of the revenues to be utilised for the purpose of the health activities, the Corporation, as pointed out has the necessity of spending nearely 75 per cent of its income for health purposes and if that side, the health section is taken away, the Corporation will not have much work to do with what little is left, of its resources.

I shall point out Sir, one more specific instance. The Public Health Department and the Corporation started maternity and child welfare work almost simultaneously. But in the Corporation there are now more than 7 centres engaged in this work in the city, That shows how, greater interest is bestowed in the health activities by the Corporation. It may also be pointed out, that unstinted support is given by the Corporation in voting money in order to carry out the health activities because of the pressure exerted by the Standing Committee. The C. D. Hospital has been taken over by the Corporation from the Government and the Standing Committee took great pains to improve the institution. The Committee members are making it a point to visit this institution at least twice a week. It is this sort of control that keeps this town as healthy as at present.

Another factor which I want to place before this Honourable House is that the scheme of the public Health Act is such that it makes no difference between the Village Unions Act, the District Municipalities Act and the City Municipal Act. In the District Municipalities Act, the Division Peishkars have direct responsibility

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over the working of the Municipality. Under the Village Unions Act, the Tahsildars are directly responsible. Under the City Municipal Act, no Government Officer has any direct control over the Corporation. The Government directly controls it. Any direction could be effected by the Government, issuing instructions under sections 40 to 43. Under the Public Health Bill, this provision is ignored and the Division Peishkars are given direct authority and control. The Director of Public Health is also given direct control over the Corporation's affairs.

Sir, here, it may be asked why in the Madras Act similar powers are given and the corporation is not excepted. In that Act there is one salutary principle that is introduced . It is contained in section 4 of that Act. There is a Public Health Board constituted in the Madras Act The Public Health Director has a dual capacity. He is also, the Secretary of the Board and in the Board there is strong non-official representation. But, as Secretary of the Public Health Board, he has a right over the Madras Corporation, and it is a right which could be recognised by us also.

Again, the Public Health Director is a member of the Trivandrum Corporation and he can advise the Corporation. His advice in fact has been asked for several times and I make myself bold, to ask the Director of Public Health to point out whether such advice has not been sought for in the past and whether such advices were not promptly and efficiently carried out by the Corporation. Such being the case, it is unnecessary that all the rights vested in the Corporation should be taken away and that too, for no obvious advantages so far as the Corporation is concerned. In the Madras Act, if the Corporation is included it is in view of important exceptions in favour of the Madras Corporation. I have consulted the Secretary of the Madras Corporation regarding the working and the details of the Public Health Act and he told me in reply that some of the conflicting sections were not being worked properly. There are unworkable provisions like that in the Town Planning Act. I may say for information of the House that even in the Town Planning Act some of the provisions could not be worked out. That is why there is no town planning scheme worked out. The provisions in the Madras Act and in this bill are exactly similar.

In 1939, in Madras when this Bill was introduced, I may point out, that Dr. T. S. S. Rajan was the Minister of Public Health. The conditions prevailing there were such that he remarked that he was the minister of drains and the minister of local boards was the minister of factions. Col. Wright of the medical Department remarked then, that the Madras Marina was the longest latrine in the world. That was the condition when the Madras Bill was introduced in Madras. We have no such condition here.

I cannot say that conditions have improved, even there, as a result of the working of this Bill. Nor is it an argument to say that because it is enacted in Madras we should also pass a similar measure here.

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By working the Act in Madras, the condition of Madras has not improved to any extent. If that were not so, I would be the first, to welcome this Bill. With my practical experience for 12 years in the Corporation of Trivandrum, I make bold to claim that in the practical working of the City Municipal Act, this Bill will come into direct conflict. In the City Municipal Act the powers are given to the Commissioner, but here they are vested in the Health Officer. So far as the Drainage and Water Works etc., are concerned under the City Municipal Act, there is an Engineer who is the competent authority. But in this Bill, this too is done by the Health Officer. Under Section 80 of the City Municipal Act there shall be a Health Officer and an Engineer who shall be heads of departments. In the Public Health Act what is intended is that the Health Officer should be an expert in all branches of work. He is a Veterinary Surgeon as well. He is a new paragon created; being an expert veterinary surgeon, chemical analyst and an expert Engineer. In the City Municipal Act there are different provisions for the engineering section to work Drainage Schemes and Water Works schemes. Even for building plans it is the Engineer who is doing that. An Engineer of the same rank as the Health Officer is there. Under section 80 of the Municipal Act, he is the head of a Department, and not under the Health Officer. There is no similar provision like section 80, either in the Village Unions Act or the District Municipalities Act. Therefore, the rights of the Engineer under the City Municipal Act regarding Drainage, Water Works and other schemes will infringe upon the orders which may be issued by the Health Officer under the Public Health Act. When there is a building application what happens in the Corporation is that it is sent to the Engineering section, then to the health Section and so on and, after having obtained the reports from the different sections, the Commissioner issues necessary orders. That is the existing system. But if this Bill is passed then the Engineer's right and the Health Officer's, right will come into conflict. What I suggest is that such sort of non-co-ordination should be opposed.

In the Madras Act what was argued was that it is a co-ordinating measure. Sir, there is no co-ordination claimed in the Public Health Act of England introduced in 1936. What is said is that it is not a co-ordinating act but a consolidating act. There cannot be co-ordination of Public Health measures. For example, the mosquito control measures adopted in Trivandrum will be distinct from those taken up in Alleppey, because the conditions in the two cities are different. When we are tackling the problem of mosquito in Trivandrum, it may be that we are faced with cholera in some other localities. So co-ordination of public health measures is a fallacy. Each place will have particular measures to be worked out after detailed survey of the place. There cannot be one whole scheme. Another argument for a bill for the whole of the State is *centralisation*. Sir, the most advanced principle of public health improvement is not centralisation at the

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centre but decentralisation. There should be different units working in all parts of the State. In the scheme of this Act it may be noted that the aim is centralisation, and there is absence of direct supervision.

I would also refer the Honourable House to section 364 and 366 of the City Municipal Act where greater powers are given to the Corporation Commissioner to control nuisance and disease than what is contemplated in the Public Health Bill. There is also the Food Adulteration Act. It is being introduced and worked under the City Municipal Act. It is being worked efficiently by the Corporation and last year, more than 500 cases were prosecuted.

All these facts which I have placed before this House will convince the honourable House that the Corporation stands on a peculiar footing. Only Rs. 4 lakhs are being spent by our Public Health Department and we spent 3·75 lakhs for health. The Director of Public Health has already got enough work. As such, could he concentrate on the City of Trivandrum? It is, therefore, unwise for all practical purposes to remove the control exercised by the Standing Committee of the Corporation so far as the working of the City Municipal Act is concerned. It will be unworkable and unwise if the Public Health Bill is introduced as it now stands.

One salutary effect of the Public Health Bill in Madras and the Public Health Bill in England is that there is an expert Committee contemplated, *viz*, the Public Health Board and the Public Health Ministry. If there was such a Board, where all the subjects are considered along with the non-official members and if instructions were issued by that Board, then there is a meaning in saying that as Secretary to the Board, the Public Health Director will be issuing orders to the Corporation on the matter. His advice is taken by the Government at present. If by statistics at Madras any improvement in the methods could not be shown by the Public Health Director, I would appeal to the House to see that the power vested in the Corporation should not be taken away. The Corporation is the premier autonomous body in the State. A reference to its Administration Report will convince any one that it was working in a most satisfactory manner. It may be argued, however, that something more is wanted. If something more is wanted the remedy is not to remove the control and leave the Health Officer to work as he pleases. That is what the Public Health Act does. Because of the great powers given under the City Municipal Act, there has been a body like the sub-committee *viz.*, the Standing Committee. There have been Doctors on the committee and men with the longest service in the Corporation are also co-opted to the committee. If the salutary effect of that committee is taken away, the direct result will be that there will only be 30 per cent of the income to the Public Health Department. The Corporation will then say that the 30 per cent alone would be required by the Health section and that they would give it.

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Now they are devoting 75 per cent of their income. Therefore my earnest request to the House is that things should not be left to such a catastrophe and that the Corporation be exempted from the purview of this Act. If there is a single provision by which the Municipal Administration of the City will be improved, or if the Director of Public Health can convince this House by statistics that by the introduction of this Bill in Madras there has been an advance in the Public Health of the Madras Presidency, then he can oppose my amendment. Otherwise, I would earnestly hope that the points which I tried to place before the House will be appreciated by the House and the City Corporation will be exempted from the purview of this Act.

MR. E. K. MADHAVAN : സർ, മിസ്റ്റർ ഗോപാലപിള്ള ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. പബ്ലിക്ക് ഹെൽത്ത് ഡയറക്ടർ, കാർപ്പറേഷന്റെ അവകാശങ്ങളെ കവർന്നെടുക്കുന്നതിനു പര്യാപ്തമായിട്ടുള്ള ഈ നിയമത്തെ ഞാൻ ശക്തിയായി എതിർക്കുന്നു. പ്രാദേശിക സ്വയംഭരണസ്ഥാപനങ്ങളായ കാർപ്പറേഷനുകളുടെയും, മറ്റുള്ള മുനിസിപ്പാലിറ്റികളുടെയും അധികാരങ്ങളിൽ ഗവണ്മെന്റധികൃതന്മാർ അനാവശ്യമായി കൈയ്യ് കടത്തുന്നതുകൊണ്ട് പല വിഷമതകളും നേരിടുന്നുണ്ട്. മുനിസിപ്പൽ കമ്മീഷണറന്മാരുടെ നിയമനങ്ങൾകൊണ്ടുതന്നെ, പ്രാദേശികസ്വയംഭരണസ്ഥാപനങ്ങളുടെ അധികാരങ്ങളിൽ ഒരു നല്ല ഭാഗം ഗവണ്മെന്റു കവർന്നെടുത്തുകഴിഞ്ഞിരിക്കുന്നു. ഇനി പബ്ലിക്ക് ഹെൽത്ത് സംബന്ധമായ എല്ലാ കാര്യങ്ങളിലും പബ്ലിക്ക് ഹെൽത്ത് ഡയറക്ടക്കു സൂപ്പർവിഷനുള്ള അധികാരം, ഗവണ്മെന്റു കൊടുക്കാൻ പോവുകയുംചെയ്യുന്നു. ഇതു്, മുനിസിപ്പാലിറ്റികൾക്കും മറ്റും ബാക്കി ശേഷിച്ചിരിക്കുന്ന അധികാരങ്ങളിൽ ഒരു വലിയ ഭാഗത്തെ കവർന്നെടുക്കുന്നതിനു പര്യാപ്തമാകുന്നതാണ്. ഹെൽത്തു് ആഫീസറന്മാരില്ലാത്ത മുനിസിപ്പാലിറ്റികളിൽ, പബ്ലിക്ക് ഹെൽത്ത് ഡയറക്ടർ ഇടപെടുന്ന അവസരങ്ങളിൽ, ഇപ്പോഴേതന്നെ പല വിഷമങ്ങളും നേരിട്ടുവരുന്നുണ്ടു്. ഇതിലേക്കു ഒരു ഉദാഹരണം ഞാൻ പറയാം. രണ്ടുകൊല്ലത്തിനു മുമ്പു് പറവൂർ താലൂക്കിൽ 'കോളറ' ഒരു സാംക്രമികരോഗമായി പടർന്നുപിടിച്ചു. അനേകം മരണങ്ങളും സംഭവിച്ചു. അവയിൽ ഒന്നോ രണ്ടോ ശവങ്ങളെ, മരിച്ചു പന്ത്രണ്ടു മണിക്കൂറിധികം സമയം അവിടെത്തന്നെ കിടക്കേണ്ടിവന്നു. മുനിസിപ്പാലിറ്റിയുടെ അധികാരം ജനപ്രതിനിധി കൈയ്യേറിട്ടില്ലാത്തതുകൊണ്ടു് ശവം മറവു ചെയ്യുന്ന കാര്യത്തെപ്പറ്റി മുനിസിപ്പൽ അധികൃതന്മാർ ഗൗനിച്ചില്ല. അന

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[Mr. E. K. Madhavan.]

തന്ന മുനിസിപ്പൽ ചെയർമാന്റെ ചാർജ്ജ് വഹിച്ചിരുന്നതു് പെരുമ്പാവൂർ മന്നാംക്ലാസ്സ് മജിസ്ട്രേട്ട് ആയിരുന്നു. ഏതൊ അത്യാവശ്യകാര്യങ്ങളിൽ വ്യാപൃതനായിരുന്നതുകൊണ്ട് അദ്ദേഹത്തിനും ഈ സംഗതിയെപ്പറ്റ് ശ്രദ്ധിക്കുവാൻ സമയം ഉണ്ടായില്ല. ഒടുവിൽ പൊതുജനങ്ങൾ പരാതിപ്പെട്ടതിന്റെ ഫലമായി പബ്ലിക്ക് ഹെൽത്തു് അധികാരികൾ വരികയും ശവങ്ങൾ കഴിച്ചുമൂടുകയും ചെയ്തു.

പ്രാദേശിക സ്വയംഭരണ സമിതികൾക്കുള്ള അധികാരങ്ങൾ, ഗവൺമെന്റിനു വിട്ടുകൊടുത്താൽ ജനങ്ങൾക്കു ഉണ്ടാകാവുന്ന വിഷമതകൾ എത്രമാത്രമാണെന്നു ഇതുകൊണ്ട് ഏറെക്കുറെ മനസ്സിലാക്കാവുന്നതാണ്.

PRESIDENT: The honourable member would rather not have any control by the Director of Public Health in such cases. Is that the idea?

MR. E. K MADHAVAN : Yes Sir. പബ്ലിക്ക് ഹെൽത്തു് ഡയറക്ടർക്കു പ്രാദേശിക സ്വയംഭരണ സമിതികളിലുള്ള ഹെൽത്തു് ആഫീസറന്മാരുടെമേൽ എന്തെങ്കിലും അധികാരം കൊടുക്കുന്നതായാൽ, ആ ഹെൽത്താഫീസറന്മാർ—പബ്ലിക്ക് ഹെൽത്തു് ഡയറക്ടരുടെയൊ, അല്ലെങ്കിൽ, അത്തരം പ്രാദേശികസ്വയംഭരണ സമിതികളുടെയോ—ആരുടെ നിർദ്ദേശം അനുസരിച്ചാണു പ്രവർത്തിക്കേണ്ടതു എന്നുള്ളതു് ഒരു പ്രധാന പ്രശ്നമായി തീരുന്നതാണ്.

PRESIDENT: I will put a specific case. Supposing the Health Officer of a particular Municipality considers that certain measures for fumigation or sanitation or vaccination are not necessary and he comes to the conclusion that the epidemic within the Municipality is not serious, and the Public Health Director differs from him, and thinks that it is serious enough to be the focus of the infection for the whole State, who is to be the ultimate authority? Is it the Director of Public Health or the local officer? That is a matter which the honourable member may consider.

MR. E. K. MADHAVAN : അങ്ങനെയുള്ള സന്ദർഭങ്ങളിൽ, പബ്ലിക്ക് ഹെൽത്തു് ഡയറക്ടർ കാർപ്പറേഷൻ മേയറുമായോ, അല്ലെങ്കിൽ മുനിസിപ്പാലിറ്റികളിലെ പ്രസിഡൻറന്മാരുമായോ എഴുത്തുകുത്തുകൾനടത്തി നടപടികൾ നടത്തണമെന്നാണ്. അല്ലാതെ ഡയറക്ടർക്ക് ഹെൽത്തു് ആഫീസറന്മാർക്കു നേരിട്ട് ആർഡർകൾ കൊടുക്കുന്നതിനും അവരെക്കൊണ്ടു എന്തെങ്കിലും ചെയ്യിക്കുന്നതിനുമുള്ള അധികാരം ഉണ്ടായിരിക്കു

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ന്നത് പലതരത്തിലുള്ള വിഷമങ്ങൾക്കു ഇടയുണ്ടാക്കുമെന്നുള്ളത് ഏറ്റവും പരമാർത്ഥമാണ്. ജോലി ശരിയായി നടക്കാതെയും വരും. ക്രടാതെ കാർപ്പറേഷൻ, അതിന്റെ വരുമാനത്തിന്റെ സു ശതമാനത്തിലധികവും, മറ്റു മുനിസിപ്പാലിറ്റികൾ അവയുടെ വരുമാനത്തിന്റെ സു ശതമാനത്തിലധികവും, പബ്ളിക്ക് ഹെൽത്തു് ഡിപ്പാർട്ടുമെൻറിനു വേണ്ടി ചെലവുചെയ്തു വരുന്നുണ്ട്. ഈ നിലയ്ക്കു് അവരുടെ അധികാരങ്ങളെ പബ്ളിക്ക് ഹെൽത്തു് ഡയറക്ടർ വീണ്ടുംകവന്നെടുക്കുന്നതായാൽ അതു് കഷ്ടാൽ കഷ്ടതരമാണെന്നു പറയാതിരിക്കുവാൻ നിവർത്തിയില്ല.

അതുകൊണ്ടു് ഈ മാതിരി കുഴപ്പങ്ങൾ ഒന്നും വരാതെയിരിക്കുവാൻവേണ്ടി, അതാതു സ്ഥലങ്ങളിലെ സ്വയംഭരണ സമിതികളുടെ മേൽനോട്ടത്തിൽമാത്രം ഈ കാര്യങ്ങൾ നടത്തേണ്ടതാണെന്നുള്ള അഭിപ്രായത്തോടുകൂടി മിസ്റ്റർ ഗോപാലപിള്ളയുടെ ഈ ഭേദഗതിയെ അനുകൂലിച്ചുകൊള്ളുന്നു.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR (*Deputy President*): Sir, I wish to offer a few observation on the amendment of my friend Mr. Gopala Pillai. Mr. Gopala Pillai has raised a rather serious matter both from the point of view of the Corporation and from the point of view of the Public Health of Travancore This enactment is intended to be applied to the whole of Travancore and the State will be treated as a single unit for the administration of Public Health matters. That is the point of view from which this Bill has to be considered. I am inclined to think that the angle through which my friend Mr. Gopala Pillai views this Bill is rather narrow. The Public Health of Travancore as a whole is a bigger problem than the powers of the Corporation and it is from this point of view that the scheme of this Act has to be considered and disposed of. The policy of this Bill is to vest the whole authority for dealing with Public Health problems in a single central authority. Whether a central authority should act for the benefit or the whole State and such central authority can be deprived of such authority in respect of certain local areas is the problem which we have to consider. Applying the principle of the amendment of my friend, it will mean that the authority of the Director of Public Health will terminate on the borders of the Corporation. Suppose, for instance, there is cholera prevailing in the City of Trivandrum and adjoining area and the Director of Public Health takes the view that urgent action of a certain nature is necessary and suppose the Public Health officer of the Corporation takes a different view, what will be the position? The decision taken by the two authorities will come into conflict and consequently public health will suffer. Therefore the jurisdiction relating to the execution of public health [illegible]

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[Rajyasevanirata S. Chattanatha Karayalar.]

Again, take an illustration such as the one the President pointed out just a minute ago regarding the necessity which may be felt by the central authority for the adoption of fumigation in a local area. If the Health Officer of the local area concerned thinks it unnecessary to adopt fumigation what will be the position? My object is to point out that the jurisdiction for dealing with the problems relating to public health in the whole State must necessarily be entrusted to a single central authority in the interests of public health.

MR. N. GOPALA PILLAI: I would inform the honourable member that under Section 5 the Director of Public Health is given direct control over the Health officer.

RAJYASEVANIRATA S. CHATTANATHA KARAYALAR: That is exactly the point. He must be given absolute jurisdiction over the Public Health staff of the whole State. As pointed out at the very outset, the scheme must comprise the whole area and there must be a central authority for dealing with the problems of Public Health. The jurisdiction cannot be divided. If the jurisdiction is divided it will result in very anomalous results regarding public health in the State. It is from this point of view that all the provisions in this Bill will have to be considered. The Public Health problem cannot be dealt with compartmentally. One set of principles should operate throughout the whole State and action co-ordinated for that purpose by a single central authority is absolutely necessary. I therefore oppose this amendment.

MR. C. S. LAKSHMANA AIYAR (*Trivandrum City*): I support the amendment moved by Mr. Gopala Pillai. After all, the Corporation cannot be considered as an irresponsible body so far as the health of those living within the Corporation limits is concerned; it may be that it is a matter for consideration by the State also. We have heard from Mr. Gopala Pillai as to how the Municipality has been reacting whenever any serious question affecting the health of the town arose and the necessity was felt for prompt action.

PRESIDENT: Does the honourable member think that the jurisdiction such as is now exercised by the Standing Committee will be nullified or affected prejudicially by the Act as it at present stands? In other words, is the functioning of the Standing Committee, to which reference has been eloquently made by the previous speakers, affected by any of the provisions of the Act? The local authority is the Corporation. The Corporation has delegated some of its powers to the Standing Committee. Such contacts and such directions as might be necessary in relation to the inter-action between the corporation through the Standing Committee and the Director of Public Health or any other functionaries constituted by this Act, will continue. Does the honourable member think that there is any detraction from the full plenary jurisdiction of the Standing Committee? If so, he will elucidate the point.

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MR. C. S. LAKSHMANA AIYAR: My submission is that so far as the control of the Health Officer is concerned it would appear as if the extent to which the Health Officer is answerable to the Corporation is much less than to the Director of Public Health.

PRESIDENT: Order, order. Let us take, for instance, under this Bill, the controlling authorities and their powers. Clause 3 empowers the appointment of a Director of Public Health. Wherever there is a local body, clause 5 begins to operate, and it says that the Director of Public Health may, from time to time, recommend for adoption by any local authority such measures as may be necessary. In other words, he does not *ex cathedra* give directions. He only recommends to the Corporation or the Local Authority certain measures. That local authority, either in a plenary meeting or through the instrumentality of a specifically delegated special authority like the Standing Committee considers the matter. Supposing there should happen any difference of opinion between that local authority or its subordinate committee and the Director of Public Health, the proviso under clause 5 says;

"Provided that if on account of financial or other reasons, any local authority....."

(Here 'local authority' includes and connotes the Standing Committee) "is unable to carry out such measures or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to Our Government whose decision shall be final." Therefore, so far as I can see, there is no reflection upon the capacity for good work of the Standing Committee or of the local authority or the Corporation of Trivandrum. It is only a question of unification of final or residual authority. The honourable member will keep that in mind and make his observations.

MR. C. S. LAKSHMANA AIYAR: As a matter of fact it is only in an Advisory capacity that suggestions are offered to the Corporation in regard to questions of health. If there is any difference of opinion, the matter is referred to the final authority. But when reading that Section it is difficult to see how control could be exercised .....

PRESIDENT: Where does the honourable member evolve the control of which he is apprehensive?

MR. N. GOPALA PILLAI: Section 12 contemplates some control over public health. Section 14 says:

> "Notwithstanding anything contained in the Trivandrum City Municipal Act, or the Travancore District Municipalities Act 1116, or the Travancore Village Panchayat Act, 1100 or the Travancore Village Unions Act, 1115, the Health Officer of a local authority shall perform such of the functions and discharge such of the duties of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as Our Government may, by general or special order, determine"

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PRESIDENT: "As our Government may, by general or special order determine"; it means where there is emergency and where local powers have to be suspended for the purpose of the common weal, then clause 14 merely gives Government a final, residual power by a special order to grant certain powers to Health Officers irrespective of any other statutory provisions.

MR. C. S. LAKSHMANA AIYAR: Section 12 reads thus:

"(1) The Health Officer in charge of any local area shall exercise supervision and control over all the members of the public health establishment in such area.

(2) (a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervison and control of the Health Officer shall be made by the Health Officer, subject to the approval of the executive authority.

(b) If for any reason the executive authority disagrees with the orders of the Health Officer under clause (a) the executive authority shall refer the matter to Our Government whose decision shall be final."

So that, practically the Health Officer of the Corporation will be the direct subordinate of the Director of Public Health. That being so, any control that the Municipality or the Health Committee of the Corporation will be able to exercise over the health officer and his staff will for all practical purposes be very limited. That is my point.

MR. T. K. NARAYANA PILLAI: Sir, I oppose the amendment of Mr. Gopala Pillai. Mr. Gopala Pillai's amendment is based, if I understand him aright, on two grounds. One is sentiment. The other is what may be called legal quibble The sentiment is this. As Mr. Madhavan put it, the powers of municipalities have already been taken away by the appointment of Municipal Commissioners. Now, if this provision were also to become law, there will be a further encroachment. So, to that extent, the powers of municipalities will be curtailed. That, I submit, is pure sentiment.

The experience of the working of municipalities has not been very complimentary to the non-official public life in the State. I regret very much that I have to make this submission before this House. And, in my humble view, any right-minded person can say that the appointment of Commissioners directly controlled by the Government will be a disadvantage to the municipal administration in the State. (A voice: *hear, hear*). I am definitely of that opinion. Sentiment is a will-o'—the— wisp which has misled many persons in many places. But let it not mislead us.

PRESIDENT: Order, Order. Although the subject is not quite cognate, I want the honourable member to realise that the primary function of a Commissioner of Municipality is to carry out the policy of the municipality. There are certain executive acts in which as an executive officer he is not directly subject to the disciplinary powers of the municipality. But a Commissioner exists for the purpose o

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carrying out and implementing the policy of the municipality. It is not intended as a detraction from what may be called the policy-making powers of a municipality.

MR. T. K. NARAYANA PILLAI: I have never understood that matter in a contrary line. And since I have understood the matter in this line, I have always thought it is an advantage for the municipal administration to have the commissioners directly controlled by Government and enabling them to carry on the policy of the municipality from time to time. Let us not be misled by sentiment. Let us not also be misled by legal quibbles. It is stated that the Public Health Committee now controls a Health Officer. Hereafter, if this Bill were to become law, the control will be by the Director of Public Health. What is the position then? As the matter stands, the Health Officer of the municipality is controlled by a non-expert body. But if this bill were to become law, he will be controlled by an expert medical officer of superior standing and greater experience. Where then lies the greater advantage? Is it in the non-expert body controlling the Health Officer or in an expert with wide experience and greater responsibility? That is the main question. So, this matter is to be viewed from the standpoint of the welfare of the public. When viewed in that line, I have no manner of doubt that Mr. Gopala Pillai's amendment will not be of any material advantage. On the contrary, it will detract from the beneficial provision of the Act. On this ground I am constrained to oppose the amendment of Mr. Gopala Pillai.

MR. P. O. THOMAS: I support the amendment of Mr. Gopala Pillai. Even the President observed that the powers of the Standing Committee of the Corporation are not affected by this Act. The argument of my friend, Mr. T. K. Narayana Pillai, seems to be that the Standing Committee should not be the advisory authority because the Director of Public Health is an expert in the matter. My view is that the particular opinion of Mr. T. K. Narayana Pillai is a retrograde one in that it is opposed to the principle of giving powers to non-official bodies. From Section 14 it may be seen that as a matter of fact, the power of a corporate body is really curtailed. In Section 14, only a right of appeal is given, and if the body is aggrieved that body can appeal to the Government. There is also the provision for Government control. So, by Section 14, there is a definite curtailment of the power of the local body.

So in a matter like this as stated by Mr. Gopala Pillai, the working of the Standing Committee was really useful. Especially with regard to the inclusion of the amount that is spent on the health necessities of the city, my opinion is that such powers must be conserved without being tramelled by any other body even if that body happens to be the Director of Public Health who is an expert. Non-official view has to be preferred in these matters and the public health experts have to be advised also by non-officials and their activities are to be carried out as per the directions given by the standing committee.

For these things I support the amendment of Mr. Gopala Pillai.

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MR. A. P. UDAYABHANU: I oppose the amendment. It is taking away the right of a self-governing body and on that ground I have very great hesitation in opposing the amendment. But as Mr. T. K. Narayana Pillai pointed out, it is not a sentimental view but a scientific view that we have to take in regard to these matters. The question is whether the municipalities and the City Corporation in the State are prepared to go into the general scheme of things to promote the public health of the land. The whole difficulty lies in the Madras Act which was enacted by the Congress Ministry. By Section 4 they envisaged the creation of a public health advisory board to render advice. The gentlemen who supported this amendment entertain great fear on account of the beaurocratic nature in which this Bill might be administered.

It is not the principle but the practice that might work difficulties That is the aspect which has engendered fear in the minds of the members of this House, and it is that aspect which we have to consider. So if there is some scheme by which we will be able to ascertain the opinion of the members of this House if there is something like the Board as constituted in Madras, I think that it will go a long way in setting at rest the fears entertained by the members of this House. So I think the solution will be to constitute a Public Health Board as the Madras Government have done.

PRESIDENT: Order, order. I have been consulting the statutory provisions on the subject. Even under the Public Health Act of Madras, passed by the Congress Ministry I may say subject to correction that this Board is a purely advisory body. And there is nothing in this Act to prevent the constitution of a Public Health Advisory Committee in which the members of the two Houses will be represented and it will be the intention of Government to bring that body into existence. It may be added that the body contemplated by the Congress Ministry had no other functions. For information, I may read the particular section in the Madras Act "the Public Health Board shall advise Government on such matters as the Government may, from time to time, refer to it." That is all its function It has absolutely no executive powers. Certain members are made the Public Health Board. They have no right to call the Public Health Director to question in any matter. But whenever the Government so requires, it may offer its opinion.

MR. A. P. UDAYABHANU: I am fully aware of that section. But Sir, we cannot forget the fact that the very people who administer those laws come from the people.....

PRESIDENT: That is the unfortunate position that cannot be altered now. So the honourable member might save himself the trouble of further dilating on that aspect.

MR. A. P. UDAYABHANU: I think we can hope it to be altered .....

PRESIDENT: That will not be altered for the time being. I do not think these questions need be raised just now. When the Government of India and the various communities and various authorities

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and functionaries come to some kind of agreement, then, we might consider whether this State is deserving of self-Government. As a matter of fact there was an adjournment motion for the purpose of starting responsible Government and I had to disallow it. There is no point in raising such questions and in discussing responsible Government, because it is not a thing which is going to happen until considerable time has elapsed after the working of responsible Government in British India. So honourable members need not worry themselves about it now.

MR. A. P. UDAYABHANU: My point is that we must have a Public Health Advisory Board.

The House rose for lunch at 2·5 P. M. and reassembled at 3 P. M.

NEW MEMBER.

Mr. T. K. Gopalan Nair, (Additional Secretary to Government) took the oath and signed the rolls.

MR. A. P. UDAYABHANU: Before lunch, I was voicing the apprehensions entertained by the members of this Legislature with respect to this piece of legislation. It must not, of course, give a monopoly to the Corporation to deal with malaria, cholera etc. It is a matter which affects the entire State. If we entrust this matter to the corporation and the municipalities and the State shirks its responsibility, the possibilities are very dangerous. We may even be allowing these municipalities to be the breeding places of epidemics. The State must have an effective control over these things. Public health is the paramount duty of the State and it should not shirk that responsibility. All the same, there must be a Public Health Board in which the corporation and the municipalities may be represented. And at the same time we must interfere as little as possible in the authority of these local governing bodies. That matter has to be kept in view and suitable amendments should be introduced in Chapter 2 of the Public Health Bill for allaying the fears of the municipalities and the corporation that their powers may be curtailed.

They should not, as contemplated by some honourable members be allowed to keep away from the general scheme of things. They have necessarily, in the larger interests of the State, to come into the scheme of things contemplated in the Bill. With these words I oppose the amendment.

MR. K. K. CHELLAPPAN PILLAI: In rising to support my friend Mr. Udayabhanu, I have to mention just one factor. There is a difficulty of the Health Officer being placed between the authority of the municipality and the Director of Public Health, *i. e.*, Government. The money for the work has to come from the Municipality and the authority from Government. Internal conflicts will necessarily arise and the public health service of the State will suffer. That difficulty must be obviated by some means. With these words I oppose the amendment.

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MR. K. G. KESAVAN NAIR: I rise to oppose the amendment put forward by my friend Mr. Gopala Pillai. Even during the Select Committee stage there was a hot discussion regarding this matter. Mr. Gopala Pillai claimed that Trivandrum Corporation should be excluded from the purview of this enactment. If that claim is to be admitted, I would submit that we may have to concede the claims of the several other municipalities also. On principle too, we cannot allow this amendment. Public health is so important a matter that we cannot deal with it piecemeal.

As it is the powers of the local authorities are not at all curtailed by the proposed enactment. Their powers are kept as they are at present. An amendment of Section 7 has been introduced as a compromise. The local authorities are allowed to appoint their own Health Officers, and to have their own supervision and control over these Officers. By this enactment, the only supervision that is sought to be exercised by the Director of Public Health is in matters where the corporation and the municipalities fail to obey the Director's orders. So from any point of view, it is impossible for us to accept the amendment put forward by Mr. Gopala Pillai.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I am grateful to the honourable members of this House for the spirited discussion on this important aspect of the Bill. As one who has had something to do with the framing of the Bill and connected with it from its very first stages, and as one who has no pre-arranged conceptions on the matter, I may state at once, that I am very grateful to the representative of the Trivandrum Corporation for his spirited address to the House. At the same time, Sir, I must beg leave to point out that his enthusiasm and spirit are based upon a very wrong and fundamental misconception of the basis of this Bill.

It is true, Sir, that local authorities have been constituted all over this State and very large powers have been invested with them. I, for one, would like these powers to be exercised and these responsibilities discharged in such a manner that Government will go on adding to their powers and responsibilities. And the Corporation of Trivandrum may claim with credit that their Standing Committee has done very good work. I have known its work and I compliment the Corporation of Trivandrum for that.

But all those are not matters to be considered in relation to this question. I have been very careful from the very beginning, not to put one section here which contravenes any section of the Corporation Act or the District Municipalities Act. All the provisions of this Bill have been so framed that they will not, unless in a time of emergency or when the local authority is recalcitrant and neglects its duties, affect the powers and the prestige and the responsibilities conferred on these bodies. What has happened is that, while in the earlier stage certain limited powers were given to the local authorities, Government now think it is time to so frame the Bill that it may be applicable not only to Trivandrum, Alleppey, Quilon and other towns, but to the

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whole State. To some extent, an attempt has been made to co-ordinate the proposed powers with those that are already in existence. In certain contingencies and emergencies, it is intended that the powers of the local authorities should be curtailed; note the terms 'under certain contingencies and emergencies'—it is only in such cases that the powers will be curtailed. Supposing small-pox is raging throughout the town of Trivandrum. Supposing the standing committee of the Trivandrum Corporation and its Health Officer and Commissioner think that a particular measure may be adopted and it would be enough if they adopt it in the Trivandrum town only On the other hand, supposing the body which is functioning according to this enactment, consider that co-ordinated measures should be taken in regard to Trivandrum, and the taluks of Neyyattinkara and Nedumangad. Now, according to this provision, the opinion of this body will prevail. In fact, in matters like this it is the Government's opinion that should prevail.

Government are prefectly perpared to adopt the provisions of the Public Health Bill of Madras in regard to the constitution of the Public Health Board in such cases, however limited its powers might be. That Board will have power to check the vagaries of the local body and to act as a lever when there is a conflict between the local authority and the Public Health Director.

Now, Sir, this is an ameliorative Bill. It is not a punitive bill, it is not a bill in the sense of a Police Bill.....

PRESIDENT: The Advocate General and the Legal Remembrancer, may, during the course of the debate, put forward a section for the purpose of the constitution of a Public Health Board.

MR. K. G. KUNJUKRISHNA PILLAI: Yes, Sir. Therefore all the apprehensions of this House on that score will be set at rest.

I would like to add one or two words to my observations. In Madras this Bill was sponsored by the Congress Ministry. Nobody in this House will say that the Congress Ministry was not aware of the powers that have to be given to the local bodies. Nevertheless, it found that it was necessary, in the larger interests of the State, to control or limit the power conferred on these bodies. Therefore they made these provisions to control the powers of not only the municipalities but also those of the Corporation of Madras. I am not saying all this in support of my arguments, I am only saying that even a national body like the Congress thought it fit to have control over the powers exercised by the local authorities. I assure the House that none of the powers of the municipalities have been taken away. Some powers have been vested with the Public Health Director and the Government but they will be exercised only in times of emergency and when action of an emergent nature has to be taken. Epidemics like cholera and small-pox will not wait till the various organisations concur in their opinions as to the best method to tackle the situation. Therefore I would appeal to the House to reject the amendment and to agree to the passing of the Bill without the amendment.

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MR. N. RAMAKRISHNA PILLAI: Sir, it is superfluous on my part to add to the arguments already advanced against the amendment. I may point out that there has been misapprehension on the part of the mover in regard to certain matters. The Honourable Members of this House will certainly concede that it is the fundamental duty of an enlightened State to protect and promote the health of its citizens. It is with the object of advancing the health of the people of the State that this legislation is undertaken by Government. Public health is certainly not a matter which any Civilized Government can neglect. I hope that Honourable Members will certainly concede this proposition. It will be found from an examination of the various provisions in the Bill that this Bill is a codification of certain fundamental rules of public health which has not been attempted anywhere else in India except in Madras. So far as the provisions relating to Public Health in the Bill are concerned, I believe, there can absolutely be no difference of opinion as to the comprehensiveness or utility of the proposed legislation. The question remains whether having regard to certain provisions in the Bill, the local bodies have a right to complain that their powers and responsibilities will be interfered with if the Act is passed. The mover of the amendment was mainly concerned with that aspect of the Bill. There is absolutely no doubt that the provisions of this Bill are far more comprehensive and beneficial than those contained in the City Corporation Act and the District Municipalities Act. With regard to the inroads upon the powers and privileges of the local authorities, I have to point out that the very basis of the scheme of the Bill is that the Government have a paramount duty to protect the public health of the population. It is on that basis that the whole provisions of the Bill have been made. For instance we will see what clause 4 says. It says :—

> "Our Government shall have power to inspect, control, and superintend the operations of the local authorities under this Act.....
>
> Our Government may, from time to time define the powers to be exercised and the duties to be performed by the Director of Public Health or any member of his staff.....

This is the principle which has been kept in view throughout this Bill. Based on this principle, certain other provisions have been made in Chapter II. Government can only act through the Director of Public Health who is the agent of Government in regard to the administration of public health. That is the reason why the Director of Public Health is invested with certain powers and they are merely powers of recommendation and advice and not of supervision. The Bill only says that he has power to advise and also to make recommendations on certain particular occasions. The Honourable Members will see what Clause 8 says in this connection. It says :—

> "(1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, Our Government may by order, appoint temporarily for such

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> period as may be specified therein one or more additional Health Officers, for the treatment of such infectious disease and preventing it from spreading or for investigating the cause of, and preventing such mortality, as the case may be"

So then it is only on certain occasions, as for instance when there is an outbreak of epidemic or a serious mortality in particular areas, that the paramount responsibility of Government to control such diseases will be arrested. The Government will certainly advise the local authorities through their agent to do certain things. That is all what is attempted to be done under certain provisions of the Bill. Therefore, there is no basis for the apprehension that the powers and privileges of the local authorities will be interfered with.

There is another provision embodied in this Bill which says that the Government can insist on the local authorities keeping certain standards in regard to their health administration. For that purpose, certain provisions have been made to see that the Health Officers are invested with certain powers to prevent the spread of diseases. Clause 12 is an instance in point. It says:—

> "The Health Officer in charge of any local area shall exercise supervision and control over all the members of the Public Health establishment in such area."

It is for the purpose of seeing that Municipalities do maintain certain standards in regard to the public health administration that these provisions are made and not with the object of interfering with the administration of Municipalities. It is the idea of Government that all Municipalities must fall in line with the administration of public health matters by Government. There are cases where Government have noticed that certain Municipalities have lagged far behind in taking action to protect public health in their areas. There are instances where certain Municipalities have not even cared to appoint Health Officers even though pointed attention was drawn to that matter. There are also certain Municipalities which do not have any health officers to look to the health of the people in their localities. It is the intention of Government to protect the health of the people of the State and to maintain certain standard of public health administration throughout the State. One Honourable Member said that there is a standing committee of the Corporation and that its powers will be interfered with by these provisions. The standing committee is only an Advisory Body of the Corporation. There are one or two other standing committees created by the Corporation for certain other purposes. The Standing Committees have only to advise on certain matters and administrative matters are attended to by the Health Officer. In ordinary cases, the Health Officer will be bound to obey the directions of the Standing Committee of the Corporation. He will continue to act under the authority of the Corporation in such matters. On certain occasions and emergencies when the Government decide that it is

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necessary in the interests of public health as a whole to advise the Corporation to take certain action, such advice should be acted upon by the Corporation or any other municipal body. There is absolutely no fear that the Director of Public Health will interfere directly with the administration of any of the local authorities. I therefore oppose the amendment.

RAJYASEVANIRATA DR. M. K. GOPALA PILLAI: Sir, I would request the Honourable members of this house to view the provisions of the Bill from a broader aspect. The Public Health Department is responsible for the maintenance of public health throughout the State. Experience shows that on several occasions, the work of this Department has been inpeded.

Travancore is one of the most densely populated parts in the world. Legislation on the lines proposed now is very necessary to safeguard the public health of the people of the State. Instances are not rare when the department had to take strong measures for the immediate control of plague in Alleppey and the spread of smallpox in Quilon and Shencottah in very recent times. All attempts by the Municipalities having failed, the Department had to run to the rescue of those places. The municipal authorities of those areas appealed to Government to take immediate measures for controlling the epidemic. By this time, the disease had spread to many other places. Having been connected with the controlling activities of this Department for the last ten years, I am very sorry to say that the municipalities have always served as foci for the dissemination of various diseases. It is with due deference, I am submitting this statement. Whenever cholera breaks out in the neighbouring district of Tinnevely or Madura or Coimbatore, I usually forewarn the various municipal presidents in our State to take immediate measures to prevent importation of the same into their respective jurisdictions. But none of them has taken any action at the proper time. Repeated requests of mine, personal and through Government have not proved a success. No preventive measures were taken by any Municipality even on a single occasion.

PRESIDENT: What has the Member to say in regard to the observation made by an honourable Member regarding the direction given by the Standing Committee of the Corporation.

RAJYASEVANIRATA DR. M. K. GOPALA PILLAI: He was only representing his feelings here.

PRESIDENT: Have you anything concrete to say on that matter?

RAJYASEVANIRATA DR. M. K. GOPALA PILLAI: Being a member of the Corporation myself, I do not want to say anything against that matter. So far as my experience goes in regard to the conditions obtaining here, the present Bill is very necessary and should be passed forthwith. The density of the population is 1760 per square mile. There is no other part of India where the population is so dense. After

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all, the ultimate aim of the Public Health Department is to protect the health and prolong the life of the people which is certainly an asset to the State. It is to guard the public health of the State, that a Bill of this kind has been sponsored here and I would request the members of the Legislature to see that this Bill is passed.

MR. N. GOPALA PILLAI: Sir, in view of the explanation that has been given by the Leader of the House as well as the Legal Remembrancer, I do not press the issue to a division. There is also the assurance that there will be constituted a Public Health Board as the final authority on public health questions in the State. On these grounds I beg leave of the house to withdraw my amendment.

PRESIDENT: I am glad that this step has been taken. I may add that the Advocate General and the Legal Remembrancer have been instructed to draw up an additional clause enabling the formation of a Public Health Board on which the representatives of the Corporation and the Municipality will sit, and it has to be considered as of the greatest importance that there should be uniformity of treatment in this matter. Now that the matter is solved I wish to say no more.

The amendment was, by leave of the house, withdrawn.

The question that Clause 1 stand part of the Bill was put and carried.

The clause was added to the Bill.

Clause 2.

MR. A. NESAMONY: Sir, I move the following amendment.

Add a cluse before clause 3 as follows :—

> "Nothing contained in this chapter shall be deemed to affect the power of the Corporation of Trivandrum under the Trivandrum City Municipal Act (Act IV of 1116) or the powers of the Municipal Councils under the Travancore District Municipalities Act (Act XXIII of 1116) to appoint and control their own health staff".

This is not like the amendment moved just a while ago. The previous one was a restrictive amendment, so far as the whole Bill is concerned. But mine is different. I have restricted my amendment to Chapter II of the Act because I want to claim an exception not only for the Corporation of Trivandrum but for the poor municipalities like ours. Arguments have been advanced on the floor of the House that we may have this measure because it is a measure adopted in Madras and such a one was sponsored by the Congress Government. I believe that Mr. Udayabhanu and his company would not be carried away by such shibboleths.

MR. K. K. CHELLAPPAN PILLAI: Sir, I object to the word "company".

MR. A. NESAMONY: I am sorry. I meant his friends. Arguments have been advanced on the floor of the House that there must be a uniform system of Government so far as public health is concerned. Some co-ordination must be effected by making an exception in favour of municipalities so far as the appointment of their staff, control over the staff and the direction of the staff are concerned. If my amendment is accepted it will exempt the City Corporation and the Munici-

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palities from the operation of the scheme. There are various sections both in the City Municipal Act and the District Municipalities Act, empowering the Government to control the administration and to exercise certain powers over these local bodies. If my amendment is carried then all the other amendments that are proposed to Chapter II will fall to the ground. At every turn the very same speech will be repeated in respect of each and every one of the amendments. The first is as regards the appointment of Health Officers Section 3 of the Bill says :—

> "For the purpose of giving effect to the provisions of this Act Our Government may from time to time appoint a Director of Public Health and subject to the provisions hereinafter contained appoint Health Officers for all or any of the purposes of this Act."

This is controlled by Sections 68 and 69 of the District Municipalities Act. Under Section 68 of the District Municipalities Act, Government have got the power to direct Municipality to appoint its own Health Officer. Section 67 of that Act contemplates appointments of health officer and municipal engineer only if the municipality has realised an annual income of Rs. 30,000. Section 67 reads thus :—

> "Any municipal council, by special resolution may, and every Council which during three consecutive years has realised an annual income of thirty thousand rupees from ordinary receipts, shall, if so required by Our Government, sanction a post of health officer and a post of municipal engineer".

Section 68 reads thus :—

> "On the occurrence of a vacancy in, or after the creation of, an office of health officer, engineer or electrical engineer, an appointment shall be made thereto by the Council subject to the approval of Our Government, within four months from the date on which the vacancy occurred ..."

It is only in cases where the income of the Municipality exceeds Rs. 30,000 that the Government can exercise their control in the matter of the appointment of the health officer. But in other cases it is left to the municipal councils to make their own appointments. But in this case, invariably the Government can insist upon the municipality to make the appointments and ask for the payments of such appointments. The Council has no option or power in these matters. That seems to be the position to which these councils are reduced by this Bill.

Then I come to Section 11 of the Bill.

Section 11 says :—

> "...The Director of Public Health shall have power (a) to transfer any member of Public Health establishment of a local authority to the Public Health establishment of another local authority".

PRESIDENT : What is the honourable member's real difficulty? Under this Bill is it suggested that the Director of Public Health or Government directly appoint Health Officers? Under this Bill they do not directly appoint Health Officers. Do they?

MR. A. NESAMONY : Yes, they do, under Section 3.

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PRESIDENT: Health Officers referred to in Clause 3 are Health Officers specfically referred to in the various clauses of the Bill. They are rather different from the Health Officers of our Municipalities. These are health officers appointed for the purposes of the Act. Does the honourable member suggest that under this Act any power is vested with the Government or the Director of Public Health to appoint health officers for, say, Nagercoil or Trivandrum? Is the power to appoint health officers as such already vested in Municipalities sought to be taken away by this Bill?

MR. A. NESAMONY: There is no exemption made. So long as there is no exemption made in Clause 3, I contend that that power is taken away.

PRESIDENT: May I draw the attention of the member to Sub-clause (16) of Clause 2?

> "Health Officer" means the Health Officer if any employed by the local authority concerned and in other cases the officer appointed or authorised by Our Government to exercise the powers and discharge the duties of a Health Officer".

I wish to know whether where a local authority has employed or has got the power to employ an health officer, that power is sought to be taken away by this Bill. Does the honourable member say that the definition of "Health Officer" in clause 2, sub-clause (16) keeps alive the powers, if any, of the local authority to employ health officer?

MR. A. NESAMONY: That relates to the existing health officers. But so far as future appointments are concerned, they are vested with the Government. So, the power vested with the Councils so far as the appointment of health officers are concerned are sought to be taken away.

Again it is the Health Officer that exercises supervision and control over the other members of the public health Section. Clause 12 reads thus:—

> "The Health Officer in charge of any local area shall exercise supervision and control over all other members of the public health establishment in such area".

PRESIDENT: Will the honourable member read sub-clauses (1) and (2) of clause 6? There are certain standards fixed in that clause.

MR. A. NESAMONY: I know that the appointments shall be made subject to the rules that are passed under this Act. But my contention is that there are already provisions in the existing Act by which these appointments could be made. Section 66 of the District Municipalities Act says:—

> "The sanction of the council shall be obtained for all proposals for fixing or altering the number, designations and grades of its officers and servants and the salaries, fees and allowances payable to them."

So the sanction of the Council is obtained for all these things. Again Section 69 says:—

> "Save as provided in Sections 13 and 68, appointments to all posts under the municipal council, the pay or the maximum pay of which exceeds fifty rupees per mensem shall be made by the chairman and appointments to all other posts under the council shall be made by the executive authority, subject to any rules which Our Government may make on this behalf."

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So, under Section 66 the sanction of the Council is necessrry for certain appointments. Under Section 69 appointments which carry a salary of Rs 50 and above are made by the Commissioner. Under a recent G. O. the appointment power of Sanitary Inspectors and certain other officers goes to the chairman and others to the Commissioner. So the powers which have been vested either in the Commissioner or the chairman are sought to be taken away by this Bill.

Then I come to Clause 14. The Commissioner is the sole executive authority under the City Municipalities Act and the District Municipalities Act. But under Clause 14 of this Bill another executive authority is sought to be created and that is the Health Officer. So, there is likely to be conflict between the two authorities. When there is difference of opinion between them, the orders of Government are final. They need not make a recommendation to the Council. The Council may sit and watch the developments. There may be correspondence going on between the two authorities under the very nose of the council. They may come to blows Still the council will have to watch without having any power over them. The function of the Council seems merely to collect the tax and pay it out as directed. The Executive authorities will carry on their functions as they please without any reference to the Council. That is the position to which the Councils and the Corporation are reduced. This honourable House should consider this aspect of the matter. The progress made by the self-governing institutions during the last sixty years is sought to be set at naught by this piece of legislation. It takes away all the powers vested by the City Municipal Act and the District Municipalities Act.

There is another aspect of this question. The Municipal Councils have been constituted under the District Municipalities Act of 1116 Certain powers have been vested on the Councils by that Act. They have been functioning for the last so many years. To my knowledge, no action of any of the Councils nor any council has been superseded by a Government order. There has been no instance in which appointment made by the councils have been set at naught by the Government. From my experience I can say that the health problems of the people committed to the care of the councils have been carefully administered by all the municipal councils. They have paid due attention to the representations made to them or the orders given from time to time by the Government or the Director of Public Health. I shall state one instance of how the Public Health Department functions, though I do not wish to mention in as it is personal. When cholera broke out in an epidemic form in Nagercoil we requested the Director of Public Health to help us by sending persons to carry on mass inoculation He sent us a Lady Sub Assistant Surgeon on Rs. 200 and another Sub Assistant Surgeon on Rs. 110. It seemed very costly. It so happened that the Council requisitioned the help of the local private Medical Practitioners and were able to do the work. Only the cost of the serum and the cost of syringe were

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required. That is how local bodies were able to do things. In the administration of Local Bodies there ought to be as little as possible of outside interference: and the more interference one gets the greater will be the trouble and the set back to the progress of local self-government.

PRESIDENT : Is it seconded ?

MR. V. K. VELAPPAN NAIR : Sir, I second the motion.

RAJYASEVANIRATHA DR. M. K. GOPALA PILLAI : Sir, the helpful attitude referred to by the honourable member was available only after he became President of the Nagercoil Municipality. The Colachel Municipality however failed to help when cholera broke out and Government had to step in and do relief work.

MR. N. RAMAKRISHNA PILLAI : Sir, I oppose the amendment. The honourable Member says that the power of appointment is interfered with by the provisions in this Bill. The provisions in the Bill regarding the appointment of Public Health Officers are contained in clauses 6 and 7. All that the Bill inststs is that there should be Health Officer appointed by the local authority if the Government so requires. If the Government find that a particular local authority or Municipality has not appointed a Health Officer and that a Health Officer ought to be appointed, the Government can issue orders to the effect that a Health Officer should be so appointed. Only in cases where there is no Health Officer appointed by the Municipality will Government interfere to appoint a Health Officer. In ordinary cases, where there is already a Health Officer, Government will not interfere. There should be a Health Officer in every Municipal area and if it appears to Government that the Municipality has been neglecting its duty to appoint a Health Officer, the Act requires Government to ask that body to include the post of a Health Officer in its establishment. That is the only instance in which the Government will interfere. The Government will not appoint direct a Health Officer in spite of the protest of the Municipality. If I am right, that is what the honorable member perhaps meant when he stated that the Government have the power to interfere. That is not what is provided in the Act. Ordinarily, the privilege of the Municipality will be untouched. I do not know how the learned mover of the amendment makes out that there is interference on the part of the Government.

Further, in regard to the establishment of the Health Officer the Act also insists that there must be a certain standard. A certain standard ought to be maintained in regard to the establishment of the Health Officer. I have already adverted to this aspect of the question and stated that it is the duty of the Government to see that a certain standard of efficiency in regard to public health is maintained throughout the State, and it is in consonance with that principle that this provision is made. I therefore oppose the amendment.

The amendment was put to vote and lost.

The motion that at the end of clause 3 the words "and sections 80, 81 and 82 of the Trivandrum City Municipal Act and sections 67

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and 68 of the Travancore District Municipalities Act" be added, was put to vote and declared lost. The question that clause 3 stand part of the Bill was put to vote and carried.

Clause 3 was added to the Bill.

Clause 4.

MR. A. NESAMONY: Sir, I am not moving the amendment standing in my name.

The question that clause 4 stands part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 5.

The question that clause 5 stands part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clause 6.

MR. N. GOPALA PILLAI: Sir, my amendment is to this effect:

In Clause 6, sub-clause (1) add after the word "scale" the words "of pay".

I think the Legal Remembrancer will accept this amendment because even in the Madras Act it is explained that the scale denotes a scale of pay so that it facilitates the transfer of officers from place to place. It does not denote the number of officers because if it refers to the number of officers appointed, the next section will be meaningless.

PRESIDENT: Are you not moving amendment No. 9 in clause 6. I take it that you are not moving.

MR. N. GOPALA PILLAI: Sir, I am moving amendment 9 and also 10.

Now, even in the Madras Act this "scale" refers to the scale of pay. In Trivandrum, the scale of pay is far in excess of what is obtaining in other parts of the country.

PRESIDENT: The clause reads that the Public Health establishment of every local authority shall be on such scale as the Government may from time to time direct.

The scale might be different for different Municipalities; what is the difficulty ? I do not quite follow.

MR. N. GOPALA PILLAI: Sir, the discretion about the number of personnel to be appointed should be given to the Corporation or to the local bodies and it should not be taken away .....

PRESIDENT: You mean so far as the Corporation is concerned ?

MR. N. GOPALA PILLAI; Yes.

Even in Madras that exception was allowed in the Act. This section corresponds to section 8 of the Madras Act.

I move that the amendment may be accepted at least on this basis.

PRESIDENT: Is it seconded?

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(The motion fell through for want of seconding).

MR. N. GOPALA PILLAI : Sir, I move my next amendment viz. number 10. That is only for elucidation. The scale denotes only a scale of pay and not the number of persons to be appointed. In the Madras Act also the scale denotes only the scale of pay.

MR. K. G. KUNJUKRISHNA PILLAI : Sir it is not the scale of pay alone that is intended.

PRESIDENT : Is the motion seconded?

(The motion fell through for want of seconding).

The question that clause 6 stands part of the Bill was put to vote and carried.

Clause 6 was added to the Bill.

Clauses 7 to 11.

The question that clauses 7 to 11 stand part of the Bill was put to vote and declared carried.

Clauses 7 to 11 were added to the Bill.

MR. N. GOPALA PILLAI : Sir, I move that.

In clause 12, sub clause (2) (a) delete "appointments," and add after the word "punishments" the following words:—"other than suspension and dismissal."

Sir, here, under section 12 the full power of appointment, transfers and punishments including even dismissal is given to the Health Officer. The Health Officer should have such powers as is necessary to enable him to have effective control over his subordinates. Further the section refers to the Health Officers of Municipalities and not to the Director of Public Health.

PRESIDENT : The word used is Health Officer. Will the honorable member kindly see the definition of "Health Officer"?

"Health Officer" means the Health Officer, if any, employed by the local authority concerned and in other cases the officer appointed or authorised by Our Government to exercise the powers and discharge the duties of a Health Officer."

MR. N. GOPALA PILLAI : Sir, there is such a Health Officer contemplated under the schedules in the City Act. He is in charge of the Health section as per section 14. He is the executive authority of the Corporation so far as the Health section is concerned It is necessary that the Health Officer should have disciplinary control over his subordinates. What is the extent of that control? Should the power extend to appointments and should it extend to punishments of suspension and dismissal? All these details are provided in the District Municipalities Act and the City Municipal Act, where necessary provision for appeals is also provided. So far as the Corporation is concerned, the Health Officer is drawing Rs 200 and the next Assistant gets Rs. 100 and in other Municipalities the Health Officer will be on Rs 75-100. Further, no appeal is provided under this section.

So, the object of this amendment is that only so much power as is absolutely needed for the effective conrtol and supervision of the

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[Mr. N. Gopala Pillai],

health staff by the Health Officer should be given him. With this object, I move the amendment.

The motion was put to vote and lost.

The question that clause 12 stand part of the Bill was put and carried.

Clause 12 was added to the Bill.

Clauses 13 to 25.

The question that clauses 13 to 25 stand part of the Bill was put and carried.

Clauses 13 to 25 were added to the Bill.

Clause 26.

MR. N. GOPALA PILLAI: Sir, I move :—

"In Clause 26, sub-clause (1) (a), delete the words 'one hundred' and substitute the word 'ten'."

Under this clause the Health Officer can ask any private owner to construct a drain even outside his house to any length and the private party is given cost only beyond 100 feet. The liability of the private party outside his premises has to be limited to 10 feet and not to 100 feet. Otherwise, it will work great hardship so far as private owner-ship is concerned.

MR. T. K. NARAYANA PILLAI: I second it.

MR. N. RAMAKRISHNA PILLAI: I oppose the amendment. The proviso under this clause reads as follows :

"(a) the cost of constructing that portion of the drain which is situated more than one hundred feet from the said premises, shall be paid from out of the funds of the local authority concerned,"

So if it is more than 100 feet the drain will be constructed at the cost of the Municipality. If the Municipality is prepared to pay more, it will be only better for the Municipality not to enter the cost unless the drains are more beneficial to the Municipality than to the person concerned. The cost of constructing the drain situated more than 100 feet from the premises shall be paid by the local authority concerned.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is it not to protect the interests of the owner that the amendment is suggested?

MR. N. RAMAKRISHNA PILLAI: I thought it was to protect the interests of the Corporation.

The amendment was put and carried.

The question that Clause 26 as amended do stand part of the Bill was put and carried.

Clause 26 as amended was added to the Bill.

Clauses 27 to 30.

The question that Clauses 27 to 30 stand part of the Bill was put and carried.

Clause 31.

The question that Clause 31 stands part of the Bill was put and carried.

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The Clause 31 was added to the Bill.

Clauses 32 to 41.

The question that Clauses 32 to 41 stands part of the Bill was put and carried.

The Clauses were added to the Bill.

Clause 42.

The question that Clause 42 stands part of the Bill was put and carried.

Clause 42 was added to the Bill.

Clauses 43 to 46.

The question that Clauses 43 to 46 stand part of the Bill was put and carried.

Clauses 43 to 46 were added to the Bill.

Clause 47.

The question that Clause 47 stands part of the Bill was put and carried.

Clause 47 was added to the Bill.

Clauses 48 to 50.

The question that Clauses 48 to 50 stand part of the Bill was put and carried.

Clauses 48 to 50 were added to the Bill.

Clause 51.

The question that Clause 51 stands part of the Bill was put and carried.

Clause 51 was added to the Bill.

Clause 52.

The question that Clause 52 stands part of the Bill was put and carried.

Clause 52 was added to the Bill.

Clause 53.

The question that Clause 53 stands part of the Bill was put and carried.

Clause 53 was added to the Bill.

Clauses 54 to 60.

The question that Clauses 54 to 60 stand part of the Bill was put and carried.

Clauses 54 to 60 were added to the Bill.

Clause 61.

The question that Clause 61 stands part of the Bill was put and carried.

Clause 61 was added to the Bill.

Clauses 62 and 63.

The question that Clauses 62 and 63 stand part of the Bill was put and carried.

Clauses 62 and 63 were added to the Bill.

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Clause 64.

The qeestion that Clause 64 stands part of the Bill was put and carried.

Clause 64 was added to the Bill.

Clause 65.

The question that Clause 65 stands part of the Bill was put and carried.

Clause 65 was added to the Bill.

Clauses 66 to 87.

The question that Clauses 66 to 87 stand part of the Bill was put and carried.

Clauses 66 to 87 were added to the Bill.

Clause 88.

The question that Clause 88 stands part of the Bill was put and carried.

Clause 68 was added to the Bill.

Clauses 89 to 139.

The question that Clauses 89 to 139 stand part of the Bill was put and carried.

Clauses 89 to 139 were added to the Bill.

Clause 140.

The question that Clause 140 stands part of the Bill was put and carried.

Clause 140 was added to the Bill.

Clauses 141 to 144

The question that Clauses 141 to 144 stand part of the Bill was put and carried.

Clauses 141 to 144 were added to the Bill.

Clause 145.

The question that Clause 145 stands part of the Bill was put and carried.

Clause 145 was added to the Bill.

Clauses 146 to 149.

The question that Clauses 146 to 149 stand part of the Bill was put and carried.

Clauses 146 to 149 were added to the Bill.

Clause 150.

MR. N. GOPALA PILLAI: Sir, I move :

"Delete the whole clause and substitute the following :—

(1) Any party aggrieved by a decision of the Health Officer under this Act, against which an appeal is not otherwise provided for, may appeal within fifteen days of the decision of the executive authority.

(2) From the decision of the executive authority an appeal may be preferred within fifteen days to the Standing Committee of the local authority where there is a Standing Committee and if there be no Standing Committee, to the local authority."

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As it is, there is no provision for any appeal. There are several powers vested in the Health Officer. A person may put up a building and the Health Officer may say that there is no drainage anywhere near it and therefore will ask the man not to live in the building. For the same reason he can refuse to give a licence to put up the building. In such cases there is no power of appeal provided for in the Act. In the City Municipal Act, orders of the Commissioner may be carried for appeal to the Standing Committee and thence to Government. Unless, therefore, such a definite provision is made in this Bill also, it will be a retrograde step to pass legislation in this regard. I want to place before this House that the definite powers of appeal from the orders of the Health Officer should be provided for in the Bill and it is with that object that I move this amendment. If there is no appeal, the working of the several sections in which vast powers are given to the Health Officer such as the refusal of licences, awarding a certificate that a building is unfit for habitation, etc., will be seriously affected.

PRESIDENT: I do not understand your difficulty. You will kindly read section 150. It is not intended that there should be no appeal. The specific nature and the authority to which the appeal should be preferred will be described by the rules under this Act. It is not intended that the right of appeal should be taken away or should be non-existent.

MR. N. GOPALA PILLAI: My object in moving this amendment is that if several infringements of private rights are made, it is absolutely necessary that a definite provision should be made for an appeal. The details regarding appeal may be framed subsequently; from the executive authority, appeals may be preferred to the local authority and then to Government. A similar provision as is obtaining in the City Municipal Act, should, therefore, be provided in this Act also.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I second the amendment.

MR. N. RAMAKRISHNA PILLAI: I oppose the amendment. Clause 150 is comprehensive enough to include the necessary rules for preferring appeals. As it is, I think it is far better to make provision for appeals in the Rules than in this Act. The amendment seeks to set up so many authorities as the appellate authorities. When provisions are made for preferring appeals, it is open to Government to make the necessary provisions, in respect of the persons concerned. The existing clause is therefore in order and it enables the Government to make the necessary provisions in the rules. I consider that it is also unsafe to adopt the amendment because it ties down the powers of certain appellate authorities. Further, we do not know the effect of this amendment in regard to the several provisions contained in the Bill and therefore it is safer to accept the clause as it is.

PRESIDENT: I think the amendment as is moved may create more complications than those which are sought to be avoided. I may assure the honourable members of this House that it is not intended that there should be any freedom from appeal. The authorities to

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which appeals may be preferred, say, as in the Trivandrum Corporation will be mentioned in the Rules that could be prescribed under this Act. I do not therefore think this amendment will carry out the intention of the honourable mover.

MR. N. GOPALA PILLAI: On that assurance, I withdraw the amendment.

The question that Clause 150 stands part of the Bill was put and carried.

Clause 150 was added to the Bill.

Clauses 151 and 152.

The question that Clauses 151 and 152 stand part of the Bill was put and carried.

Clauses 151 and 152 were added to the Bill.

Clause 153.

The question that Clause 153 stands part of the Bill was put and carried.

Clause 153 was added to the Bill.

The question that the Schedule stands part of the Bill was put and carried.

The Schedule was added to the Bill.

The question that the preamble and title stand part of the Bill was put and carried.

The preamble and title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: I beg to move an amendment at this stage before the motion for passing the Bill is made.

I beg to move the following;—

"After Clause 159, insert the following new clauses, renumbering the subsequent clauses :—

160. As soon as may be after the commencement of this Act Our Government may constitute for the whole of Travancore a Public Health Board consisting of,

(*a*) the Director of Public Health,

(*b*) the Surgeon-General,

(*c*) three members elected by the Legislature—two from the Sri Mulam Assembly and one from the Sri Chitra State Council,

(*d*) two officers nominated by Our Government,

(2) The members elected under Clause (*c*) of sub-section (1) shall hold office for a period of one year from the date of election but shall be eligible for re-election,

(3) The Director of Public Health shall be the President of the Board and one of the two officers nominated by Our Government under Clause (*d*) of sub-section (1) shall be the Secretary.

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161. The Public Health Board shall advise Our Government on such matters as Our Government may from time to time refer to it.

(2) The meetings of the Board and the mode of transaction of business at the meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President or the Secretary or a member."

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I think it is to provide a clause in this Bill for the constitution of the Board : we are not at present concerned with the details or functions of that Board which may be framed later.

PRESIDENT: What the proposed clauses say is that; As soon as may be, Our Government will constitute a Public Health Board consisting of the Director of Public Health, the Surgeon-General, 3 members elected by the Legislature—(2 by the Sri Mulam Assembly and 1 by the Sri Chitra State Council)—and 2 others nominated by Government. Does the honourable member want merely to constitute a Public Health Board and postpone the rules to a later date?

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Yes, Sir. The details regarding the personnel may be given by rules later.

MR. N. GOPALA PILLAI: In Madras there was a minister for local administration to deal with the Public Health Board. Here there is no corresponping provision, nor is there a minister for local administration. So one member may be chosen from the Corporation and another from any of the Municipalities for representation on the Public Health Board.

MR. K. G. KUNJUKRISHNA PILLAI: I accept the suggestion.

PRESIDENT: I will read the new clauses as they have finally redrafted :—

"160. (1) As soon as may be after the commencement of this Act, Our Government shall cause to be constituted a Public Health Board consisting of,—

(*a*) the Director of Public Health ;

(*b*) the Surgeon-General ;

(*c*) three members elected by the Legislature—two from the Sri Mulam Assembly and one from the Sri Chitra State Council;

(*d*) two members nominated by Our Government—one representing the Trivandrum Corporation and the other representing the District Municipalities in the State ;

(*e*) two officers nominated by Our Government.

(2) The members elected under clause (*e*) of sub-section (1) shall hold office for a period of one year from the date of election, but shall be eligible for re-election.

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(3) The Director of Public Health shall be the President of the Board and one of the officers nominated by Our Government under clause (*e*) of sub-section (1) shall be the Secretary.

161 (1) The Public Health Board shall advise Our Government on such matters as Our Government may from time to time refer to it.

(2) The meeting of the Board and the mode of transaction of business at such meetings shall be governed by such regulations as may be framed by it.

(3) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary, or a member."

The amendment was put to vote and carried. The new clauses were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: I move that the figures 1120 occurring in clause 1 (1) of the Bill may be amended as 1121.

MR. S. NARAYANA AIYAR: I second it.

The motion was put and carried.

MR. N. RAMAKRISHNA PILLAI: I beg to move that the Bill be passed.

MR. S. NARAYANA AIYAR: I second it.

The motion was put and carried and the Bill was passed.

THE TRAVANCORE MOTOR VEHICLES ACT (AMENDMENT) BILL.

MR. N. RAMAKRISHNA PILLAI: Sir, I beg to introduce the Travancore Motor Vehicles Act (Amendment) Bill and move that the Bill be read in the Assembly.

MR. S. NARAYANA AIYAR: I second it.

The amendment is intended to extend the time for operation of Chapter VII of the Act. According to Chapter VII of the Act, every motor vehicle is to be compulsorily insured. The period for the operation of the Act was extended to 3 years at the commencement of the Act. That period has now expired and it is necessary to further extend the time and the amendment is intended for this purpose.

SECRETARY: The title of the Bill shall be "The Travancore Motor Vehicles Act (Amendment) Bill."

MR. N. RAMAKRISHNA PILLAI: I pray that standing order 34 be suspended and that the Bill be taken into consideration.

The standing order was, suspended and the Bill was taken up for consideration.

The question that clauses 1 and 2 stand part of the Bill was put and carried. The clauses were added to the Bill.

The question that the preamble and title stand part of the Bill was put and carried. The preamble and title were added to the Bill.

MR. N. RAMAKRISHNA PILLAI: I move that the Bill be passed.

MR. S. NARAYANA AIYAR: I second it.

The motion was put and carried and the Bill was passed.

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